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Charleston Gazette

One-third of customers have water

By Rachel Molenda

CHARLESTON, W.Va. -- About one-third of the West Virginia American Water customers affected by a do-not-use water advisory had been told they can use their tap water as of Tuesday evening, Gov. Earl Ray Tomblin said Tuesday night.

Officials said there is still no timeline to completely restore water to everyone in the nine counties affected by the leak of a coal-processing chemical into the Elk River last week. About 300,000 residents were under the advisory at its peak.

The water company told residents in parts of Charleston and South Charleston that they could flush the pipes in their homes on Monday. But by Tuesday evening, just three more areas, all in Kanawha County, had been added to that list.

Testing teams with the West Virginia National Guard and the water company found a handful of areas where test results showed levels of Crude MCHM -- the chemical that leaked from the Freedom Industries plant into the Elk -- above the 1-part-per-million level that officials say they're using to declare the water safe, officials said.

State officials have said they're relying on the federal Centers for Disease Control and Prevention for that number, but the CDC hasn't said how they arrived at that number and has referred questions back to the water company.

The water company is lifting the "do not use" ban by zones outward from its treatment facility in Charleston until it reaches the end of the system's lines. If one zone fails to show chemical levels below 1 part per million, it must be flushed by the water company and tested again before moving on to another zone.

"That causes frustration, because it's taking longer to get things done," said Gen. James Hoyer, adjutant general of the West Virginia National Guard. "What you don't want is one of these folks that would be in an area where the result was above 1 [ppm] to have bad water."

About 1,000 samples have been drawn from the 3,000-square-mile system, and more than 590 samples have been analyzed, Hoyer said. The more rural sample points become, the longer it takes for testing analysis to take place, Hoyer said.

"[The] EPA has told us that in order to ensure validation, that 40 percent of the samples that we take have to be validated by running dual samples," Hoyer said. That means that "two different labs give the same confirmatory results," he said.

Continuous monitoring at the water company's intake and outtake on the Elk River, a mile and a half from the chemical leak, shows the levels are "no detection" for Crude MCHM, according to Jeff McIntyre, president of West Virginia American Water.

The company has started to combine zones to create larger clusters for home system flushing, McIntyre said. Customers can find out the status of their zone by typing their address into an interactive map, a link to which is available at wvgazette.com. If customers still have questions about their zone, they can call a temporary hot line at 855-390-4569.

There was a hiccup with the water company's map Tuesday, as areas in Southridge and South Hills briefly showed up as OK for customers to flush their pipes around noon. That was rescinded a half-hour later, then made official around 4 p.m.

McIntyre blamed it on a miscommunication. "It shouldn't have happened, but it did," he said. "We apologize for it."

Those in the operations center were waiting for an additional sample to confirm that the zone could be flushed, McIntyre said. "All the water quality came back good ... we just didn't have that one verification," he said.

McIntyre said he now personally approves lifting the "do not use" advisory in specific areas.

Once people are given the OK to flush their pipes, the water company recommends running hot water through all faucets for 15 minutes, then cold water for five minutes, then further flushing of appliances and exterior faucets.

The water company said the state Department of Health and Human Resources provided them with details of the process. A DHHR spokeswoman said the water company's "flushing guidance" was reviewed by the State Health Officer, the Bureau for Public Health's Office of Environmental Health Services and by the affected local health departments. Both state and local health officials concurred with the guidelines developed by West Virginia American Water Co. to ensure water quality.

The eight affected counties -- Kanawha, Putnam, Boone, Jackson, Lincoln, Logan, Roane and Clay -- and the Culloden area of Cabell County remained under a state of emergency Tuesday evening.

State Homeland Security Director Jimmy Gianato said water is still being distributed in the affected areas. Water distribution stations in area where the water ban has been lifted are being diverted to areas that are still waiting, Gianato said.

About 200 restaurants throughout the area have been approved to reopen, according to health officials.

Officials, along with the water company, didn't have a plan to address the chemical spill, despite the filing of Tier 2 forms by Freedom Industries, the company that stored Crude MCHM alongside the river. Those forms are to be given to state and county emergency planning officials for use in developing response plans. No such plan existed in this case.

"[The Department of Environmental Protection is] already looking at sites and exactly what information we need that we don't have right now," Tomblin said Tuesday. "We want to make sure that this kind of accident doesn't happen again. We are doing everything in our power to make sure those kinds of protocols are in place to prevent this kind of event in the future."

Charleston Gazette

W.Va. congressional delegation calls for action

By David Gutman

CHARLESTON, W.Va. -- As hundreds of thousands of West Virginians enter their seventh day

without usable water, the state's congressional delegation is calling for action, but generally not abandoning the pro-industry tone that often dominates Mountain State politics.

Sen. Joe Manchin, D-W.Va., said he would move to reintroduce a stalled bill that would reform the way the nation regulates hazardous chemicals, such as the 4-methylcyclohexanemethanol that leaked into the Elk River last week.

Reps. Shelley Moore Capito, R-W.Va., and Nick Rahall, D-W.Va., both said they would call on the House Transportation and Infrastructure Committee to hold a full hearing in Charleston to discuss the leak. Rahall, the ranking Democrat on the committee, said he had spoken with committee Chairman Bill Shuster, R-Pa., and he thought the Charleston hearing was "very likely" to happen.

But in phone interviews Tuesday, all three lawmakers took pains to distance the chemical that spilled -- which is used to process coal -- from the state's coal industry.

"When you're mining the coal, to the residuals of coal, everything has to be done in the safest manner possible," Manchin said. "I don't anticipate anything [legislation] directly related to coal Whether it's coal or chemicals or fertilizer or food products, it should be under the same scenario."

Capito said Southern West Virginia was still under "great pressures to discontinue the use and mining" of coal and that she would not halt her calls for the Environmental Protection Agency to ease back on environmental regulations.

"The incident that happened with this spill is not related to my view of the EPA, of overreaching and not looking at economics and trying to reach a balance in the energy industries," Capito said. "I see this as a chemical issue, and so the coal issue is secondary. It's a product used in the coal industry."

Rahall also said he would not change his stance on environmental regulations.

Rep. David McKinley, R-W.Va., did not respond to an interview request, although his spokesman sent a statement saying safety needed to take top priority and people should not jump to any conclusions.

Sen. Jay Rockefeller, D-W.Va., also did not respond to an interview request, but sent a statement calling the lack of inspection of Freedom Industries, the company where the chemical leaked, unacceptable and disturbing.

"I often hear complaints that regulations are too costly or that industries should be allowed to regulate themselves," he wrote. "Clearly this approach has failed hundreds of thousands of West Virginians."

Rockefeller has, in the days since the spill, pushed for more involvement from federal agencies. Two days after the leak he requested that the federal Chemical Safety Board investigate the leak.

A team from the CSB arrived on the site on Monday.

The CSB has been in West Virginia several times in the last few years, specifically after fatal chemical-related incidents at the Bayer CropScience plant in Institute and the DuPont Co. plant in Belle.

After both of those incidents, the CSB recommended that the state Department of Health and Human Resources assist the local health department in creating a chemical accident prevention plan that would inspect facilities and require those facilities to have plans in place to prevent accidents.

Those recommendations have not been taken up.

On Tuesday, only Capito was willing to say without reservation that the state should adopt the CSB's recommendation.

"I hope the state adopts an immediate report protocol that's been recommended by the CSB," she said. "We could have saved ourselves a lot of time if we'd known how to test for it, if we'd known it was there, if it had been reported quickly."

Manchin said that he'd like to look for consensus before embracing the CSB's recommendations.

"The pushback that's in a lot of people from the industry, and a lot of different groups crisscrossing America, believe that that was an overreach, or whatever, either that was too stringent or an overreach, or things they couldn't comply with," he said.

Rahall said he would like to wait for the current CSB investigation to conclude. He said that the previous recommendations could potentially be used as a "building block."

He noted that the two deaths at Bayer came from an explosion and a fire and that the death at DuPont came from a phosgene gas leak, while the current water crisis is the result of a chemical leak.

"There are also differences that indicate that a one-size-fits-all solution might not be effective," he said.

Also on Tuesday, Rockefeller sent a letter to the administrator of the EPA and the director of the Centers for Disease Control and Prevention requesting a study of long-term health risks associated with the spill.

Charleston Daily Mail

Freedom Industries slapped with violations after moving chemical

by Dave Boucher

Daily Mail Capitol Bureau Chief

CHARLESTON, W.Va. -- Freedom Industries has moved the chemical responsible for polluting the West Virginia American Water Co. supply to a facility in Nitro that is still unsafe, state regulators said Tuesday.

The state Department of Environmental Protection slapped Freedom Industries with five violations Tuesday for the new site, after the chemical had already been sent there and stored.

The biggest violation came for not having any form of secondary containment. It was an old cement wall meant for secondary containment that failed at the site of the Elk River spill.

"Given what we've been through, it would be very hard for me to convince anybody that there's not something to be nervous about," DEP Secretary Randy Huffman said.

The four other violations included issues with the site's "spill prevention plan" and its "stormwater protection plan," Huffman said. He didn't immediately have further details about those violations.

He said the company had apparently ignored state officials' demands for moving the chemical.

Freedom was required to move the chemicals somewhere that had a secondary containment system, Huffman said. DEP inspectors - Huffman believes there was more than one - found there was no such system during a Monday inspection of the Nitro site.

"The big thing is, they were told to put in secondary containment and they didn't," Huffman said.

Huffman believed that Freedom moved all of the chemical to a location around Nitro and Poca, referred to by the company as the Poca Blending location.

Freedom must again move the material, Huffman said. He didn't know the deadline for moving the chemical, but he said it would be clear in a remediation plan available today.

There are also penalties associated with each of the violations. Huffman said there would "certainly" be civil penalties - which typically come in the form of fines - but there is a higher threshold for criminal penalties.

He said the nature of the penalties should also be available soon.

The company, Poca Blending LLC, lies in the middle of an industrial park about half a mile as the crow flies from both Nitro's central business district and the Kanawha River.

The now infamous black licorice smell associated with the chemical hung in the air just outside the facility Tuesday night.

Tanker trucks had been bringing the chemical from Charleston to Nitro since the order to move the chemical was given. One of the trucks believed to be carrying the chemical arrived Tuesday night.

A white Jeep Grand Cherokee with state license plates turned onto a road leading into Poca Blending not long after the truck.

Poca Blending was formed in 1999 by Carl Kennedy, but its business license was revoked in 2005 because it failed to file its annual report, according to documents filed with the Office of the Secretary of State.

In November 2013, other documents filed with the same office show a second company formed with the same name. They list three men as agents for the company: Dennis Farrell, J. Clifford Forrest and Matthew Mazefsky.

Farrell was listed as the "registered agent for service of process" with an address at 101 Capitol St. in Charleston. Forrest, listed as the manager, and Mazefsky, listed as the addressee for notices of process, both had addresses of 1015 Barlow Drive in Charleston - the same address as Freedom Industries.

Poca Blending LLC officially merged with Freedom Industries on Dec. 31, according to documents filed with the secretary of state. Mazefsky is listed as secretary and Kennedy as the incorporator.

The DEP inspected the Poca Blending site Monday, Huffman said. There were already 21 containers housing the chemical at the site.

The chemical is in 14 "baker tanks" - wheeled containers sometimes used to transport fracking fluid - and seven tanker trucks, Huffman said. He wasn't sure how many gallons that represents, or if all of the containers are full.

Huffman said he didn't know if or when the DEP had ever inspected the Poca Blending site before Monday. He also didn't immediately know what sort of permits it might have from the DEP.

The DEP never inspected the Elk River site. DEP permits are required to produce chemicals or if there are emissions, but not to store chemicals like crude MCHM.

The DEP is still working with Freedom Industries to finish clean up at the Elk River site.

Both Gov. Earl Ray Tomblin and Jimmy Gianato, head of the state Division of Homeland Security and Emergency Services, were unaware of any problems with the Nitro site. Tomblin

said he's sure the DEP is "keeping a close eye" on the chemical's location.

The Daily Mail spoke with Gianato and Tomblin before speaking with Huffman.

After learning of the spill, finding the best possible other location for the remaining chemical was not the state's top priority, Huffman said.

"The sense of urgency was to get those tanks off the Elk River," Huffman said.

"The first order to business was ... to get the material moved away from the river."

The violations were officially issued Tuesday, but Huffman said a representative from Freedom is expected to sign for them this morning.

No one from Freedom was immediately available for comment at the Poca site.

The company hasn't made any public statements after a brief press conference Friday from company President Gary Southern.

The DEP ordered Freedom Friday night to remove all of the remaining chemical from the Elk River site. Huffman believed the three tanks that still held any of the chemical were emptied by Sunday.

Chesapeake Bay Journal

Blog: Finally, some good news for Sparrows Point

Judge sets aside earlier order; cleanup can begin

By Rona Kobell

A federal judge Tuesday granted the long-suffering residents of Baltimore's Sparrows Point a small reprieve when he ordered additional testing for the waterways around the once-bustling steel mill.

U.S. District Court Judge Frederick Motz had once ruled that one of the many previous owners of the plant had to do only minimal testing on Bear Creek, which is known to have benzene, lead, chromium, zinc and naphthalene in its waters and sediments. Several citizens and environmental groups, including the Chesapeake Bay Foundation and Blue Water Baltimore, filed a lawsuit hoping to force the plant's owners to clean up the 2,300-acre site and do comprehensive tests. This week, Motz vacated his previous ruling, which could pave the way for

further tests. CBF made sure that, when the company was sold again and liquidated in 2012, an agreement was in place for a robust cleanup. The new owners agreed to set aside \$500,000 to investigate contaminants, as the Bay Journal reported then.

“There is clear scientific evidence that there is toxic pollution in Bear Creek extending hundreds of feet from the steel plant. The residents of the area, and those who boat and fish there have a right to know what is in the water and sediment and whether those pollutants are harmful to their health or the environment,” said CBF President William C. Baker.

Blue Water Baltimore’s new riverkeeper, David Flores, added: “The District Court’s order clears the way for a comprehensive investigation of contamination in the offshore areas adjacent to the Sparrow’s Point location. The investigation is a critical element in the overall site assessment process, which will help to ensure the eventual remediation of all of the legacy contamination.

The Maryland Department of the Environment has been attempting to force a cleanup of the site since 1997. But Bethlehem Steel didn’t do so, and in 2001 it filed for bankruptcy. Since then, the plant changed hands nearly a half-dozen times, and none of the new owners were keen to follow the state’s consent order for the cleanup plan.

Motz’s ruling may mean Sparrows Point is finally moving in the right direction.

Capital News Service

Virginia localities seek delay in stormwater program

By Kate Miller Capital News Service

January 14, 2014

RICHMOND — Del. Brenda Pogge, R-Williamsburg, said she would support delaying the July 1 deadline for establishing local stormwater runoff programs by one year, saying many localities are not prepared to establish stormwater programs by July.

“My heart goes out to the plight of some of these smaller localities because they only have one option,” Pogge said. “And that is to increase taxes on all their population in order to [introduce storm-water programs] as quickly as they’re being mandated to.”

In November, the members of the Virginia Association of Counties, which represents all 95 counties of Virginia, voted unanimously for the one-year delay.

Larry Land, director of policy development for VACo, stated in an email the Department of

Environmental Quality — which runs the current stormwater program for the state — determined in August 2013 that localities would inherit all existing renewal permits for stormwater runoff.

Land stated renewal fees filed between April and June 2014 would be remitted to DEQ instead of localities.

“DEQ has not established any procedure to send fee revenues to localities,” Land stated.

The Chesapeake Bay Foundation, a conservation group, opposes the delay.

Chuck Epes, assistant director of media relations for the Richmond office of the Chesapeake Bay Foundation, stated in an email CBF’s top priority is to “hold the bay states accountable for meeting deadlines, goals, etc.”

Epes says the commonwealth has provided \$35 million in funding this year to help localities establish the programs.

Stormwater runoff management is a key Chesapeake Bay conservation issue. According to CBF, stormwater becomes polluted as it flows from streets, parking lots and roofs. As the water travels, it becomes contaminated by pollutants and enters waterways that feed into the Chesapeake Bay.

The General Assembly voted for the July 1, 2014 deadline for the new programs in 2012.

Bill Hayden, a spokesman for the DEQ, says the state will be responsible for approving the local plans and making sure local governments meet all requirements.

“The reasoning behind it (implementing local programs),” Hayden said, “was to enable the local governments who know their situations best to deal with them on their own with some oversight from the state.”

Del. Edward Scott, R-Culpeper, the chairman of the House Agriculture, Chesapeake and Natural Resources Committee, says he is not sure a delay will be possible. He says stormwater-runoff management is a regulatory process that begins at the federal level.

“Inevitably, we’re going to have to address stormwater to satisfy the Environmental Protection Agency,” Scott said.

Scott also says the General Assembly may be able to ease the regulatory burden of the programs by considering which governmental entity should be responsible for program management.

“I think we’re going to see a large number of bills on this topic from a lot of different directions,” he said.

Agricultural runoff is another part of the issue.

“We are cautiously watching all the stormwater legislation and have no position at this time,” Associate Director of Governmental Relations for the Virginia Farm Bureau Federation Wilmer Stoneman stated in an email. “The legislation will be amended several times; we’ll get involved only as necessary.”

Charles McSwain, the director of economic development for Northampton County says his county is on schedule to establish a new stormwater-runoff plan.

“I’m hopeful that we can implement it (the plan) in a way that’s reasonable so that it’s not overbearing on the ... economic development,” McSwain said. “I think it’s our job at the local level to put balance between what’s practical and realistic to make good progress and the rules that are in place.”

Kate Miller is a student reporter for the Capital News Service at Virginia Commonwealth University.

Washington Post

As federal government evolves, its clerical workers edge toward extinction

By Lisa Rein, E-mail the writer

Ginger Davis is a survivor, one of barely five dozen clerical workers left at the Government Printing Office.

Even as her agency has been redefining its mission in an electronic age, Davis has remade herself after 26 years with the federal government, rising from the secretarial ranks to become an executive assistant. When she was offered a job in the human resources office two years ago, she was initially daunted and read every book on executive assistants she could find.

“This is my time to shine,” Davis told herself.

Across the federal government, the broad rows of desks where secretaries and clerks once typed at least 40 words a minute have vanished. While automation has been transforming the federal workforce for two generations, that change has now accelerated because of budget cuts, with the government under pressure to keep only the clerical staff it needs. Those who remain have often had to revamp the role they play in this new-look workforce.

For decades, the steno pool was the face of the modern bureaucracy. The women in polyester suits and neckerchiefs, hair coiffed and fingers flying across the keyboards, came to embody the industry of the postwar public sector.

In 1950, clerical jobs represented three-quarters of the federal workforce. By the mid-1980s, the figure was down to a fifth. Today, these jobs are a mere 4 percent of the workforce of 2.1 million. That amounts to 87,153 people, less than a quarter of them secretaries, according to FedScope, the federal database of workplace statistics. In just the past eight years, the government has shed 40,000 clerical jobs.

At many private companies, secretaries and clerks long ago became relics as the technology revolution spread from the lean start-ups of the IT sector to the broader economy. But in government, clerks and typists held on longer, answering phones outside corner suites, shuffling paper records, and stashing personnel files in squealing metal cabinets.

Some federal staff members could ride out the changes until they retired, the job security of government work allowing them to stay put even as private industry was shedding thousands of office jobs, especially during the recent recession. Tight federal budgets and the automatic cuts of sequestration, however, have meant that very few clerical workers who leave are replaced.

Now that most Americans file their taxes electronically, the Internal Revenue Service needs fewer clerks to open paper returns. The Federal Aviation Administration has put its accident inspection reports online, so it needs fewer assistants to scan them in. In an age of teleconferencing, the front-office receptionist escorts fewer visitors to see the boss.

The downsizing is cementing the government as a bastion of white-collar, increasingly specialized professional work that demands a college degree, eliminating what was once a significant source of jobs for those with limited education.

“They’re doing away with us,” said Elizabeth Lytle, 55, an administrative program assistant for the Environmental Protection Agency in Chicago. As her colleagues have retired, the EPA has looked to part-time contractors to type form letters and handle other clerical tasks, she said.

At the printing office, Davis, 58, has repositioned herself as the right-hand woman to the head of human resources. She’s an indispensable, calming presence, her colleagues say, a discreet problem-fixer. She has also learned to manage her boss’s Outlook calendar, scan personnel documents and process the department’s electronic timecards.

Next to her computer still sits an IBM Selectric 2000 Wheelwriter. “We’re never going to get rid of it,” she quipped. On a recent workday, Davis slipped in a document with a grammatical error, brushed Wite Out over it and typed a correction. Somehow that was easier than making the change in the computer.

In her desk drawer, she still keeps a pile of pencil erasers and little yellow message pads with the options “You were called by,” “You were visited by” and “is waiting to see you.” There are also ink pads and rubber stamps to mark correspondence as “Draft” and “Confidential.”

“They remind me of how far I’ve traveled,” she said.

An opening for women

The data-processing bureaucracy started to grow during the Civil War. To pay for the war, the government began printing greenbacks for the first time, and the new notes had to be cut and counted. The Treasury Department turned to an untapped labor pool that would work for less than the going wage: women.

By the 1950s, secretaries were typing, filing, taking dictation, answering phones and opening mail in just about every American business and government office. The jobs were a woman's ticket into the workforce.

When Mary White arrived in Washington from Illinois fresh out of college in 1958, she took the civil service exam and a typing test and looked up her senator, Everett M. Dirksen, who helped her land a secretarial job in the U.S. Senate. She was so good that she soon moved to the White House, where she assisted Ted Sorensen, President John F. Kennedy's speechwriter and political strategist, and later worked for President Lyndon B. Johnson's aide and confidant, Jack Valenti. She was paid \$3,500 a year.

"We didn't worry about finding jobs as much as people do now," recalled White, now 80 and a Georgetown real estate broker.

But times would change, and a milestone came in 1997, when for the first time the number of higher-paid employees, GS-9 and above, outnumbered lower-paid ones such as most secretaries and clerks, GS-8 and below.

Today, almost 70 percent of these lower-ranking workers are women, government data show. One in three have been in their jobs between 10 and 24 years. Almost two out of three are 40 or older.

Not all of the remaining clerical staff members are mere vestiges. Some have kept pace with a workplace that demands more specialized tasks than ever. Instead of taking dictation with shorthand, they load presentations into PowerPoint. Instead of typing and faxing, they scan documents into a computer — although the 40-word-per-minute requirement still applies for clerical job applicants. And instead of supporting one executive in the C-suite, they work for five. Or for 50, as at the General Services Administration, where one assistant works for the entire executive staff.

"I'm prioritizing resources," said GSA Administrator Dan Tangherlini, who answers his own phone, responds to e-mail directly from his iPhone and schedules many of his meetings.

As a management assistant at the Navy support command in Millington, Tenn., Doris Goode has taken on new responsibilities. She orders fitness and recreation equipment for sailors at sea, pulls together spreadsheets, gets bids from vendors and prepares contracts and invoices for payment.

"Administration runs the business," Goode said. "The job has really changed so much, they had to change the name."

Serving Army tradition

In some corners of the government, though, traditional clerical work is holding on.

At the Department of Veterans Affairs, for instance, clerical employees are working to tackle the agency's backlog of disability claims, many filed on paper. Others work in medical support, gathering patient records, making appointments and providing forms.

At the National Archives, about 800 clerks transport original documents to researchers in cardboard boxes because so few of the records have been computerized.

And at Army Materiel Command in Huntsville, Ala., a secretary is assigned to every general and many other senior officers. Andrea Turner, the executive assistant to the command sergeant major, said she spends some of every day writing letters that go into the mail: for birthdays, promotions, condolences, and invitations to all official functions.

"You name it," Turner said. "If there's a reason to write a letter, we write a letter. A lot of things are still tradition-based."

Angela Bailey wistfully recalls the hubbub around her when, as a young clerk-typist for the Social Security Administration, she churned out letters at an IBM Selectric, WiteOut at her side. Typewriter keys click-click-clicked and metal file cabinets squealed as they opened and closed, opened and closed. From 8 a.m. to 5 p.m., the phones rang nonstop. The office hummed with the conversations of clerks taking Social Security claims.

Now, the ringing phones and clattering typewriters have gone silent.

"Even in a time of budget uncertainty, there's an absolute need for these positions," argues Bailey, who has risen to become a senior executive at the Office of Personnel Management.

These clerical workers, she says, are often the bureaucracy's bridge to the public and the "right arms" of senior managers. But even Bailey acknowledges that secretaries in many ways have become obsolete.

Charleston Gazette

Some don't trust the water yet

Despite official assurances, lingering odor has residents wary

By Lori Kersey

CHARLESTON, W.Va. -- Eric Foster got the call last night. West Virginia American Water said the water at his South Charleston home is safe.

But that doesn't mean he's ready to use it again.

"The water smells like licorice, and I don't really think that's safe," Foster said. "I'll never drink it again."

Five days after a chemical spill into the Elk River left water unusable for 300,000 West Virginia American Water customers in nine counties, some residents are still wary of using the water even after officials say it's safe again.

Water company and state officials say the water consistently tested below 1 part per million of the chemical, and have been lifting the water-use ban zone by zone. Six zones, mostly in Charleston and South Charleston, had been lifted as of Tuesday evening.

Foster, and others, remain skeptical. Foster is still drinking from plastic water bottles. He doesn't wash with tap water or allow his children to. He bought 30 gallons of bottled water to bathe with instead.

"We flushed [the pipes] and it still smells," Foster said. "I have three kids. I don't think it's safe to bathe three kids in it."

West Virginia American Water officials say the odor in the water may linger, but the chemical levels in the areas where the ban is lifted are below the health-risk level. State officials have said the safe level is below 1 part per million, and cited the federal Centers for Disease Control and Prevention for that number. But CDC officials referred questions about how they arrived at that number to West Virginia American Water.

"With as much information as we have, understanding that we don't have a lot of information available, according to the West Virginia American Water, this is a safe level, and that is why the ban is being lifted," said Dr. Rahul Gupta, health officer for the Kanawha-Charleston Health Department.

Asked if he is drinking the water, Gupta said the do-not-use order has not yet been lifted in his neighborhood. He hasn't drank it at his downtown Charleston office either, he said, except for a sip he took during an interview with a local television station.

Gupta said he noticed an aftertaste but hasn't felt any negative effects from drinking it.

"I'm still kicking," he said.

Rose Oatridge, of Summit Drive on Charleston's West Side, got the call from the water company early Tuesday morning that her water would be safe to use again after she flushed out her system. Master plumber Gary Gibbs was helping her change the filters in the ice and water

dispensers in her refrigerator Tuesday afternoon.

Oatridge said drinking the water wasn't a question for her. She prefers to drink flavored or spring water anyway.

"I've always liked spring water," Oatridge said. "It seems more natural."

She added that officials should keep better control of the chemicals that are stored around the water so a chemical leak doesn't happen again.

She will use the water for showers and washing dishes.

"I'm sure they've tested it and wouldn't let us use it unless it was almost completely clean," Oatridge said. "I don't think it will make us ill."

Charlie Myers got the call Tuesday morning that the water at his residence on the West Side was safe to use again. He's going to wait though, he said.

"I don't want to drink it," Myers said while he washed his car Tuesday afternoon. "We've got an ice maker and we won't use it for a good while. The ice still has got the smell to it."

He will use it for laundry though.

"I already did two loads of clothes in it," he said.

Charleston Gazette

Editorial: Hurrah for feds

For years, most West Virginia politicians have painted U.S. regulators as evil, saying that federal pollution laws suppress business.

Now, however, leaders suddenly see the "feds" as rescuers helping West Virginia cope with the Elk River chemical leak that halted safe drinking water for 300,000 people.

Gov. Tomblin asked President Obama for a national disaster declaration, and state emergency officials turned to U.S. authorities for information about the little-known pollutant that caused the calamity.

Keep this in mind, the next time a conservative politician denounces federal "interference" in West Virginia pollution issues.

Meanwhile, the Elk pollution mess raises some troubling questions:

First, it's disturbing that a bankrupt Charleston businessman with a criminal record was involved with the decrepit Freedom Industries tank farm, where safety controls were so weak they allowed 7,500 gallons of hazardous fluid to pour into the river.

As reporter David Gutman revealed, founder Carl Lemley Kennedy II first was convicted of cocaine violations in the 1980s, then he filed for bankruptcy in 2005 and pleaded guilty to tax evasion and failure to give the government more than \$1 million in taxes he had withheld from employee paychecks. He drew a federal prison term.

Should executives like this be connected to chemical firms with the potential to contaminate the water supply of 300,000 West Virginians?

Second, it's disturbing that West Virginia and Kanawha County officials ignored a recommendation by the U.S. Chemical Safety Board that the Kanawha Valley region create a better safeguard against chemical threats.

As reporter Ken Ward Jr. revealed, after a fatal 2008 explosion at an Institute plant, the federal board proposed a "Hazardous Chemical Release Prevention Program" for the Charleston vicinity. But the plan never was funded or activated.

The 2014 water crisis is almost over. As soon as safe drinking water is restored, state and local leaders must get busy on renewed efforts to protect the public.

For starters, they might stop denouncing federal rules against pollution, and express gratitude for U.S. help in this emergency.

Richmond Times-Dispatch

Officials: Bad spill could happen in Virginia waters

DEQ cites changed nature of threat as sign of progress

BY REX SPRINGSTON Richmond Times-Dispatch

A West Virginia chemical spill that contaminated water supplies for about 300,000 people raises a troubling question: Could it happen in Virginia?

The answer is yes.

“It’s something we want to avoid, but it is a possibility,” said Bill Hayden, a spokesman for the

state [Department of Environmental Quality](#).

On the plus side, Virginia has not suffered a devastating pollution crisis in many years, and modern environmental regulations are surely a factor, Hayden said.

In fact, the main pollutants tainting the James River and the Chesapeake Bay today are not dangerous chemicals but substances much more mundane — nutrients from human and animal waste and fertilizers, which cause algae to grow, and waterborne dirt that clouds streams.

“That’s a sign of the progress that we’ve made,” Hayden said. “The type of pollution we are concerned about has changed.”

Still, thousands of miles of waters in Virginia are contaminated, said Chris Moore, a senior scientist for the [Chesapeake Bay Foundation](#), an environmental group.

“In a lot of ways the fight is the same; it’s just not the headline-maker we see in West Virginia,” Moore said.

In that state, hundreds of thousands of people were told not to use their tap water for drinking or bathing after a chemical used in coal processing spilled last week from a company called Freedom Industries Inc. and got into a river that provides drinking water.

The Freedom Industries facility was barely scrutinized, flying largely under the radar of government regulators who viewed it as a low-risk operation, the Associated Press reported Monday.

In Virginia, the Department of Environmental Quality does not oversee chemical tanks, Hayden said. Local governments do, however, for reasons that weren’t clear Monday.

With oil storage, on the other hand, the DEQ requires that tanks be made of rust-resistant material to limit leaks, and berms must be built around the tanks to hold any oil that might spill, Hayden said. The tanks are routinely inspected.

John Aulbach, director of the [Virginia Department of Health’s Office of Drinking Water](#), said chemical plants and other industries must have spill prevention plans that spell out what they do to avoid spills and what they will do if one occurs.

In addition, state agencies and industries routinely run drills to practice responses to spills and other disasters, Aulbach said. “We rehearse these types of things.”

Industrial operations dot the shores of the James River from Richmond to the Tri-Cities. Still, the James essentially provides drinking water for about 811,000 people in the Richmond area and Hopewell. (The Hopewell intake pipe is technically beside the James at the mouth of the Appomattox River.)

If some sort of spill occurred above a drinking-water intake, the company responsible for the

spill must report it immediately, Aulbach said. Then, the operators of drinking-water treatment plants could close their intakes until the pollution passed, or they could opt to treat the pollution.

Most of Virginia's big water-pollution cases occurred not in one spill but over time decades ago, typically before tough environmental laws were established.

Those cases include Allied Chemical Corp. at Hopewell contaminating the James with the pesticide Kepone in the 1960s and '70s; the DuPont fibers plant at Waynesboro polluting the South River with mercury in the mid-20th century; and Avtex Fibers Inc. at Front Royal polluting the Shenandoah River with toxic chemicals called PCBs. The state shut Avtex down in 1989.

The Kepone has largely been covered by river mud, but the mercury and PCBs continue to pollute those streams.

Hagerstown Herald-Mail

Phoenix Color pays \$45000 to EPA in settlement

Phoenix Color paid a \$45,000 penalty to the U.S. Environmental Protection Agency in a settlement for alleged violations of federal hazardous materials regulations at its plant north of Hagerstown, according to the EPA.

After a Nov. 12 inspection, the EPA cited the company for violating the federal Resource Conservation and Recovery Act, or RCRA, that governs treatment, storage and disposal of hazardous waste, an EPA news release said.

The violations involve hazardous waste stored at the Phoenix Drive facility. Those materials include spent nonhalogenated solvents, corrosives and fluorescent bulbs containing mercury, the EPA said.

Phoenix Color, formerly Lehigh Phoenix, runs a manufacturing operation to produce books, book components and specialty products at 18249 Phoenix Drive, near Interstate 81 south of the Maryland-Pennsylvania state line, the company's website said.

The company employed 417 people, according to the 2013 Business & Industry Directory produced by the Hagerstown-Washington County Economic Development Commission.

The EPA said the alleged violations included:

- Operating a hazardous waste-storage facility without a RCRA permit or interim storage status.

- Failure to make a hazardous-waste determination.
- Failure to keep hazardous-waste containers closed.
- Failure to inspect containers in a 90-day storage area.
- Failure to provide annual hazardous waste-management training.
- Failure to maintain hazardous-waste management job descriptions.
- Failure to prepare and implement a complete hazardous-waste emergency plan.

“We want to affirm that our company takes its compliance obligations seriously. We believe that we have a strong program and ... interest in compliance and have accordingly worked with the EPA to reach a mutual resolution of the points of concern raised by the EPA,” a Phoenix Color spokeswoman said in a voicemail left for Herald-Mail Media.

“Our company recognizes that there’s always opportunity for improvement, and we have taken this as an opportunity to further strengthen our compliance program,” the spokeswoman said.

The EPA said in the release that the “settlement penalty reflects the company’s compliance efforts” and cooperation, but Phoenix Color neither admitted nor denied liability for the alleged violations.

— *Julie E. Greene*
